

2.04.00.00 - RIGHT OF WAY ADMINISTRATION

2.04.01.00 Title VI, Civil Rights Act

Title VI, Section 601 of the Civil Rights Act of 1964 states:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

The Department of Transportation’s policy is to provide equal opportunity and full access of its programs, services, and information to all segments of the public without regard to race, gender, creed, color, religion, national or ethnic origin, age, marital status, or disability. R/W’s implementation assures that all services and benefits to be derived from any R/W activity will be administered in accordance with this policy.

2.04.01.01 HQ R/W Responsibilities

R/W will designate a R/W Title VI Coordinator whose primary responsibilities are:

- Assist the Department's Title VI Officer in HQ to process complaints pertaining to R/W issues by obtaining facts, witnesses and necessary statements, and to recommend corrective action and case resolution.
- Attend necessary appeals hearings and expedite resolutions.
- Serve as liaison between the Affirmative Action Officers in the districts and the Title VI Officer in HQ.
- Evaluate district performance for compliance with Title VI laws and regulations, delivery of the Title VI survey, and maintenance of Title VI records.
- Review and recommend needed changes in policy.

2.04.01.02 District R/W Responsibilities

District R/W Agents providing services to the public must deliver the following Title VI information to property owners, tenants, and relocatees during their first contact.

- “Working Together Works” booklet
- Statutes and Regulations, Exhibit 2-EX-3
- Complaint Process, Exhibit 2-EX-4
- Survey Form, RW 2-1, with a self-addressed, stamped envelope
- Discrimination Complaint Form, RW 2-2

Additionally, Agents shall document delivery of the Title VI information with an appropriate diary entry.

District P&M shall gather and maintain the voluntary Title VI survey forms, identified by parcel number only, and assure that no personal information is held in any individual parcel file.

Districts will make Title VI survey information available to any appropriate HQ R/W or other reviewer for audit purposes.

2.04.02.00 R/W Roster

The R/W Roster Coordinator initiates, assembles, and distributes the R/W Roster, which serves as a resource for information on personnel in R/W classifications statewide. Publication is not less than twice a year in January and July.

The Roster is divided into the following three sections:

- Personnel (classifications, hires, retirements)
- Organization Charts
- Telephone Lists

Each District Division of R/W shall appoint a district roster coordinator, who will provide accurate information in a timely manner upon request.

2.04.03.00 Statistical Reports

2.04.03.01 Annual R/W Fact Sheet

Each year HQ R/W prepares the Annual R/W Fact Sheet, which compiles production statistics and provides an overview of R/W activities during the preceding fiscal years. The report is an internal document intended primarily for R/W's use.

Headquarters R/W has overall responsibility for initiating, assembling, and finalizing the report. The various branches within HQ R/W and district R/W are required to supply certain data upon request. Information should be provided as quickly and accurately as possible following receipt of the request.

Headquarters R/W must maintain a well-documented file while the report is being prepared and ensure the information is available for current and future review.

2.04.03.02 Federal Report

"The Agency shall submit a report of its real property acquisition and displacement activities under this part if required by the Federal agency funding the project." (Ref. 49 CFR 24.9[c])

The federal report pertains to those activities subject to provisions of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 where federal or federally-assisted funds are involved in any phase of a project. This includes projects under the Combined Road Plan, State/Local Cooperative Agreements, and where there is sales tax initiative funding.

The district prepares Form RW 10-4, "Uniform Relocation Assistance and Real Property Acquisition Statistical Report," for the 12-month period ending September 30 of each year. The report is submitted to HQ P&M no later than October 15. Instructions for use and completion of the form are printed on the reverse side of the form.

2.04.04.00 Forms, Records, and File Administration

Headquarters P&M is responsible for maintaining R/W's record systems and for assuring that policies and procedures set forth in the Caltrans records management and forms management programs are adhered to.

2.04.04.01 Records and File Administration

The Program Manager appoints a R/W Records Officer to manage the records program in R/W.

HQ Responsibilities:

- Control access to public records
- Assure confidentiality of personal information
- Assure application of appropriate technology to all records and file management-related activities
- Approve requests for filing and storage equipment
- Consult with and advise managers in all matters pertaining to records and file management

Statewide Responsibilities:

- Maintain and revise the statewide R/W Records Retention Schedule
- Coordinate input to Annual Records Inventory
- Act as liaison between HQ and district R/W for matters pertaining to R/W records

2.04.04.02 Records Retention Schedule

Departmental policy states that a Records Retention Schedule, Std. 72, shall be established for all record series under each Program's functional control and shall include records held in HQ, district offices, and storage. A complete revision is required every five years and may be updated as retention requirements change.

The R/W Records Officer shall maintain and distribute the schedule to district R/W Records Officers and P&M offices as changes are made.

2.04.04.03 Forms Management

R/W appoints a Forms Officer to bring the Program into compliance with applicable laws and regulations of the Department's forms management program. Duties include:

- Act as liaison between HQ and district R/W on issues pertaining to forms management.
- Maintain an index of R/W forms to assure adherence to forms design standards.
- Review forms for compliance with the Information Practices Act.
- Enforce provisions of the Information Practices Act to assure confidentiality of all personal information gathered.
- Prepare statewide input for the annual Information Practices Act report.
- Approve all requests to print, design, and order forms.
- Take advantage of opportunities for use of new technologies.

NOTES: